

4-415

9

B

(4) The department may use only the

following information for each measure

specified in sub. (2) (a) 2 a:

9

(a) For pupil achievement under

sub (2) (a) 1.:

9

1. Scores on the reading and

mathematics examinations administered under s. 118.300

9

2. Scores on the reading and mathematics alternate examinations

under s. 118.30

administered to children with disabilities. 3. The percentage of pupils taking the examinations under s. 118.30 who are children with disabilities.

~~4. The grade level, race, and English proficiency of pupils taking the examinations under~~

~~subds. 1. and 2.~~

INS. A (next page)

9

7. The percentage of pupils taking the

examinations under s. 118.30 who are eligible for a free or reduced-price lunch under 42 USC 1758 (b).

↑
hypo

A

④

4. The grade level of pupils taking the examinations under s. 118.30.

④

5. The race ^{or ethnicity} of pupils taking the examinations under s. 118.30.

④

6. The percentage of pupils taking the examinations under s. 118.30 who were limited-English proficient pupils for the previous 3 school years.

4-4:6

8. The percentage of pupils taking the examinations under s. 118.30 who have resided in the United States for less than one year.

9. The percentage of pupils who attended the school ^{and the percentage of} pupils who were enrolled in the school district for the entire school term.

(b) For growth in pupil achievement under sub. (2)(a) 2.:

1. The information under par. (a) 1. ~~are~~ ^{current and} for the ~~previous~~ school years, ~~and the~~

~~current school year~~

~~previous 2 school~~

***NOTE: Should this refer instead to the ~~1~~ ^{years?}

~~2. The information under par. (a) 3., the information under par. (a) 4. other than grade γ and the information under par. (a) 5. level,~~

~~***NOTE: I did not include "value added growth" because I do not know what data to specify for that indicator.~~

4-4:7

~~2. The race of pupils taking the examinations under s. 118.30~~

9

2. The information under pars. (a) ^{3, and} s. to 7.

~~3. The percentage of pupils taking the examinations under s. 118.30 who are limited-English proficient pupils for the previous 3 ^{school} years.~~

~~*** NOTE: Instead of the previous 3 ^{school} years, should this refer to the current and 2 previous school years?~~

9

~~*** NOTE: 1. I did not include "value added growth" because I did not know what data to cite for that indicator.~~

~~2. Should all of the items under this ^{hand return} paragraph require data for the previous and current (or 2 previous) school years?~~

LP 5. This is all part of a 4 star note

4-4:8

(4) (c) For college and career readiness
2 a 3.
under sub. (2) (a) 3. :

(9) 1. The information under par. (a).

and 2. ~~4. 9. 8. 5. 7. 6. 3.~~

(4) 2. The percentage of pupils who are
dropouts, as defined in s. 118.153 (1)(b).

(4) 3. The percentage of pupils who
graduate from high school within ^{school} 4 years
and the percentage of pupils who graduate from
high school within ^{school} 5 to 6 years.

(9) ****NOTE: IT was unclear what was
intended by [↑]cohort-based graduation indicator[↓]
and [↑]cohort-based graduation eligibility
indicator[↓]

(9) 4. Of those pupils who are

2-4:9

eligible to take the examinations administered under s. 118.30, ~~the~~ the ~~the~~ percentage ~~that~~ that take them. (1)

(4)

***NOTE: It was unclear ~~the~~

~~what~~ what was intended by V Test participation, at least one year. (1)

(4)

5. Pupil attendance data. (1)

(4)

***NOTE: The instructions for this

this item ^{were} were unclear. (1)

(4)

6. Scores on the AET examinations administered to pupils in the ^{9th 10th} 9th, 10th, and 11th grades. (1)

4-7:10

(d) For gaps in pupil academic achievement
 2 a 4.
 under sub (2)(a) 4.:

1. The information under par. (a) 1. § 2. § 8. and 9. for the previous 3 school years.

2. The information under par. (a) 3. and 5. to 7. 12th grade

3. The percentage of 12th grade pupils who are eligible for a free or reduced-price lunch under 42 USC 1758 (b). ^{hyph}

4. The percentage of 12th grade pupils who are children with disabilities.

5. The percentage of 12th grade pupils who are limited-English proficient pupils or ethnicity

6. The race of 12th grade pupils.

7. The information under par. (c) 3.

8. The percentage of pupils who are suspended or expelled from school.

4-4:11

④

⑤
⑤

Each school and school district shall display prominently on the school's and school district's Internet site the reports issued by the department under this section.

4-4: 12

B

9

(6) ~~If~~ A private school participating in a parental choice ^{118.60} or a parental choice program under s. 118.60 or 119.23 may request the department ^{not} to

~~identify the school from inclusion in the~~
~~for the~~

issue a report under this section for the school because the school is an alternative

education school. If the department determines

that the private school offers an ^{alternative} educational program ~~as presented in its report~~

~~report~~ that would not be ^{accurately} reflected in its reports, the department may ^{approve} ~~accept~~ the school's

request.

10

You refine
~~NOTE:~~ You may wish to refine the criteria ^{that must be met in order} ~~necessary~~ to be excluded from the ~~report~~ school report.

11-4:1

Section #. 118.125 (4) of the statutes is amended to read:

as a charter school
established under
s. 118.40 (2r)

118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district and a private school participating in ~~the~~ ^{a parental choice} program under s. 118.60 or in ~~the~~ ^{charter} program under s. 119.23 shall transfer to another school, including a private or tribal school, or school district all pupil records relating to a specific pupil if the transferring school district or ~~private~~ school has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g). In this subsection, "school" and "school district" include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled that provides an educational program for its residents instead of or in addition to that which is provided by public, private, and tribal schools.

History: 1973 c. 254; 1977 c. 418; 1979 c. 205; 1981 c. 20, 273; 1983 a. 189; 1985 a. 218; 1987 a. 27, 70, 206, 285, 337, 355; 1987 a. 399 s. 491r; 1987 a. 403 ss. 123, 124, 256; 1989 a. 31, 168; 1989 a. 201 s. 36; 1989 a. 336; 1991 a. 39, 189; 1993 a. 27, 172, 334, 377, 385, 399, 450, 491; 1995 a. 27 ss. 3939, 3940, 9126 (19), 9130 (4), 9145 (1); 1995 a. 77, 173, 225, 352; 1997 a. 3, 27, 205, 237, 239; 1999 a. 9, 149; 2003 a. 82, 292; 2005 a. 344, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 2712, 9121 (6) (a); 2009 a. 11, 28, 209, 302, 309; 2011 a. 32, 105, 260.

11-4:2

LA 4

⑨

SEC. # ER, 118.40 (3) (f)

⑨

118.40 ^(B)(3) (f) 1. A contract with a

will
time
app

school board or any entity under sub.

2r b

(2r) (b) shall specify that if the state superintendent determines (that the charter

school has performed at the lowest

performance level for 3 consecutive school

years, the school board or authorizing

entity under sub (2r) (b) shall require that

a remedial plan be implemented by the

charter school operator. The plan shall

⑨

2. The school board or

(2r) (b)

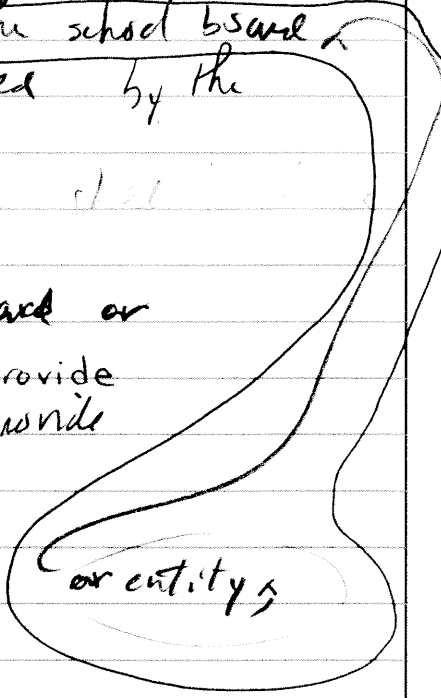
entity under sub. (2r) (b) shall

provide
provide

the department with a copy of

any remedial plan approved

under subd. 1.



11-4:3

④

3. The school board or entity under
2r b
sub. (2r) (b) shall review the implementation
of the remedial plan using the
methodology it uses for determining whether
to renew a contract with a charter
school operator. ~~If the school board or~~

~~entity under sub. (2r) (b) determines that
the charter school has failed to sufficiently
improve
the charter school's academic performance
after within 3 years, the school board
shall revoke the charter school's contract.~~

④

118.40 5 e
SEC. # CR; 118.40 (5) (e)

A*

④

~~118.40 (5) (e) The charter school implemented
a remedial plan under sub. (3) (f) but its
academic performance has failed to sufficiently
improve within 3 years.~~

11-4:4

9

***NOTE: Is the draft correct in including

all charter schools under contract with either

a school board or (2v) entity? Note that

Hard reform

2. Current statutes do not

mention the appeal of a contract rescission,

so I did not include that part of the

restructuring. Do you want to provide for an

appeal under the current rescission provisions

in s. 118.40 (5)? To whom would such an appeal be made?

s. 118.42 (2m) also covers
~~charter school~~ such charters.

LPS:
 this is
 all
 part
 of a
 4 star
 not

11-4:5

X

Section #. 118.42 (1) (intro.) of the statutes is amended to read:

118.42 (1) (intro.) If the state superintendent determines that a school district has been in need of improvement for ~~4~~ ³ consecutive school years, ~~the school board shall do~~ ^{apply} all of the following:

History: 2009 a. 215, 301; 2011 a. 10.

④ SEC. #. RN, 118.42 (1) (a) to (d), 118.42 (1) (am) 2 to 5.

④ SEC. #. CR, 118.42 (1) (am) (intro) and 1. ④ 118.42 (1) (am) (intro) The school board shall do all of the following:

④ 1. Complete a department ^{hyph} approved diagnostic review of the school district to determine the causes of the school district's poor performance and relevant mitigating factors.

performed at the lowest performance level under s. 115.39

X
X
X

11-4:6 ✓

⑨ SEC. # CR; 118.42 (1) (bm) (intro.)

⑨ 118.42 ^(B)(1)(bm) (intro.) After consulting

with the school board, the school district

administrator, and school district employees,
 the state superintendent shall
 direct the school board to do one or more

of the following in the school district:

11-4:7

① SEC. # RP, 118.42(2)

② SEC. CR, 118.42(2m)

③ 118.42(2m) If the state superintendent

determines that a public school, including
 a charter school under contract with a school
 board and excluding a charter school established
 under s. 118.40(2r), has performed at the
 lowest performance level under s. 115.39
 for 3 consecutive ^{school} years, all of the following apply:

④ (a) The school board shall do all of
 the following:

⑤ 1. Complete a department ^{high}-approved,
 on-site diagnostic review of the school to
 determine the causes of the school's poor
 performance and relevant mitigating factors. ⊙

11-4:8

⑨

2. ~~Implement~~ department ^{high} approved

improvement activities that are consistent with federal improvement requirements or close the school.

Based on the ^{results} ~~results~~ of the (diagnostic review under subd. 1.g)

⑩

(b) After consulting with the school board, the school district administrator, and school district employees, the state superintendent shall direct the school board to do one or more of the following in the school:

11-4:9

Section #. 118.42 (3) (a) of the statutes

118.42 (3) (a) If the state superintendent determines that a school district has been in need of improvement for 4 consecutive school years, the state superintendent may, after consulting with the school board, the school district superintendent, and representatives of each labor organization representing school district employees, direct the school board to do one or more of the following in the school district:

1. Implement or modify activities described in ~~sub (1) (a) to (d)~~ ^{par. (a)}
2. Implement a new or modified instructional design, which may include expanded school hours or additional pupil supports and services.
3. Implement professional development programs that focus on improving pupil academic achievement.
4. Implement changes in administrative and personnel structures.
5. Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent under subs. 1. to 4.

History: 2009 a. 215, 301; 2011 a. 10.

(4)

***NOTE: Is it your intent that this section cover charter schools under contract with a school board? Note that such charter schools are also included in s. 118.40⁵ (e), as created by this draft.

(4)

SEC. # RP, 118.42 (3)(a) (intro.)

11-4:10

Section #. 118.42 (3) (a) 1. of the statutes is renumbered 118.42(1)(b)1. and amended to read:

118.42 (1) (b) 1. Implement ~~or modify~~ activities described in sub. (1) (a) to (d). ^(bm) par. (am)

History: 2009 a. 215, 301; 2011 a. 10.

9 SEC. # RN, 118.42 (3) (a) 2. to 5., 118.42 (1) (bm) 2. to 5

9 SEC. # RP, 118.42 (3) (b) and (c)

9 SEC. # RP, 118.42 (4) and (5)

11-4-12

9

SEC. * CR. 118.60 (10) (bg)

9

118.60 (10) (bg) The state superintendent

may issue an order barring a private school from participating in the program under this section and from ~~transforming the school into~~ reopening as a charter school if the ~~the~~ state superintendent determines that the private school has performed at the lowest performance level under s. 115.39 for 3 consecutive school years.

9

***** NOTE: ^{it} 15 year penalty be be

intent that this

permanent? participating in the program
a barrier to school quality?

11-4:12

Section #. 118.60 (10) (c) of the statutes is amended to read:

118.60 (10) (c) Whenever the state superintendent issues an order under par. (a), (am), ~~or~~ (b),
he or she shall immediately notify the parent or guardian of each pupil attending the private
school under this section.

bg
or (bg) ↑

History: 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).

History: s section. The department may not by rule establish standards under sub. (7) (am) that exceed the standards established by the American Institute of Certified Public Accountants.

11-4:13

Section #. 118.60 (10) (d) of the statutes is amended to read:

118.60 (10) (d) The state superintendent may withhold payment from a private school under subs. (4) and (4m) if the private school violates this section.

History: 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).

History: s section. The department may not by rule establish standards under sub. (7) (am) that exceed the standards established by the American Institute of Certified Public Accountants.

or fails to participate in the
student information system as
required under s. 115.383 (3) (a)

Section #. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.363, 115.365 (3), 115.38 (2), ^{115.383 ↑ 115.39 ↓} 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

NOTE: Sub. (1) is shown as affected by 2011 Wis. Acts 157, 166, and 172 and as merged by the legislative reference bureau under s. 13.92 (2) (i).

History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186; 2005 a. 99, 290, 346; 2007 a. 20, 97, 220, 222; 2009 a. 28, 60, 96, 215, 273, 305, 309; 2011 a. 10, 32, 85, 157, 166, 172; s. 13.92 (2) (i).

11-4:15

⑧

SEC. # CR. 119.23 (10) (b)

⑨

119.23 (10) (b) The state superintendent

may issue an order barring a private school
from participating in the program under this
section and from ~~reopening~~ the school

~~reopening~~ reopening as a charter school if

the ~~the~~ state superintendent determines that

the private school has performed at the

115.39

lowest performance level under s. 115.39 for

3 consecutive school years.

⑩

~~NOTE~~ NOTE: Is your ^{it} penalty be ~~NA~~

permanent?

intent that this

11-4:16

Section #. 119.23 (10) (c) of the statutes is amended to read:

119.23 (10) (c) Whenever the state superintendent issues an order under par. (a), (am), ~~or~~ (b), ^{or (bg)} he or she shall immediately notify the parent or guardian of each pupil attending the private school under this section.

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; s. 13.92 (2) (i); s. 35.17 correction in (4) (d) (intro.).

11-4:17

Section #. 119.23 (10) (d) of the statutes is amended to read:

119.23 (10) (d) The state superintendent may withhold payment from a private school under subs. (4) and (4m) if the private school violates this section.

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; s. 13.92 (2) (i); s. 35.17 correction in (4) (d) (intro.).

or fails to participate in the
student information system as
required under s. 115.383(3)

11-4:18

Section #. 121.006 (2) (d) of the statutes is amended to read:

121.006 (2) (d) Comply with a directive issued by the state superintendent under s. 118.42

~~(3) (a) or (b).~~

History: 1973 c. 90, 157; 1977 c. 26; 1977 c. 29 s. 1097; 1977 c. 178, 203, 206, 273, 447; Stats. 1977 s. 121.006; 1979 c. 221; 1995 a. 27 ss. 4031, 9145 (1); 1997 a. 27; 2009 a. 215.

✓
(1) (bm) or (2m)

DN

Chris

⑨ This is a very preliminary draft. I know there will be many changes, but I wanted to get you something as quickly as possible.

Please note the following:

⑩ 1. The instructions refer to \surd 3 consecutive school years \surd in most places, but also refer to \surd 3 consecutive ratings \surd . Please let me know which is correct.

⑪ 2. There is a ^{conflict} in the instructions related to ^{interventions} interventions in charter schools.

Should charter schools under contract with a school board be treated as \surd public schools \surd under s. 118.42?

⑫ 3. How do you want to treat (2r)

Charter schools that are ^{operated} operated by the authorizer (i.e., ~~the state~~ not under contract) ?

- (4) 4. Let me know in which ^{fiscal year you} fiscal year you want the state to begin paying for the administration of the ^{exams} exams under 118.30 s. 118.30 to choice pupils. Would all pupils in choice schools be ^{covered} covered, or only those attending under the choice program? Would the costs of scoring the exams as well as administering them be ^{covered} covered? How much money do you want to appropriate? Or would you like a sum sufficient appropriation?

- (9) 5. As we discussed, the draft does

not require a statewide identification number for each pupil in a choice school.

⑨

6. I did not treat s. 115.38 in this draft. Please let me know how you would like to amend that section.

⑩

7. Please see the embedded notes in the draft for additional questions.

~~7. This draft does not include your additional instructions about subgroups because I'm not sure how to define the term.~~

⑪

8. The instructions use "race," ~~in~~ some places and "race/ethnicity," ~~in others,~~ and "race and ethnicity." I use "race or ethnicity" throughout. Okay?

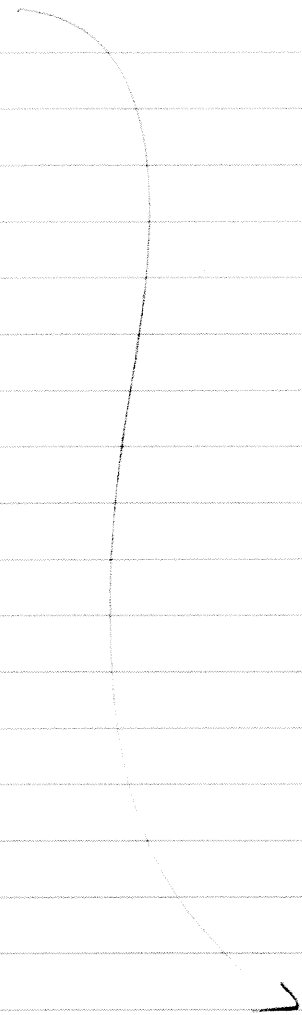
PG

A

(9) SEC. # CR. 115.39

(9) 115.39 School and school district accountability system (9)

(B)



BILL

1 **SECTION 1.** 115.38 (title) of the statutes is amended to read:

2 **115.38** (title) **School accountability system; performance report;**
3 **educational program review.**

4 **SECTION 2.** 115.38 (1) of the statutes is renumbered 115.38 (1m), and 115.38
5 (1m) (intro.), (c) and (e), as renumbered, are amended to read:

6 115.38 (1m) (intro.) ~~The Annually, the state superintendent shall develop~~
7 ~~prepare a school and school district performance report for use by school districts~~
8 ~~under sub. (2).~~ The report shall include all of the following by school and by school
9 district:

10 (c) Staffing and financial data information, as determined by the state
11 superintendent, not to exceed 10 items. The state superintendent may not request
12 a school or school board to provide information solely for the purpose of including the
13 information in the report under this paragraph.

14 (e) The method of reading instruction used in the school or school district and
15 the textbook series used to teach reading in the school or school district.

16 ~~**SECTION 3.** 115.38 (1e) to (1k) of the statutes are created to read:~~

17 ^(B) ~~115.38 (1e)~~ In this section, "school" means a public school, including a charter
18 school, and a private school participating in a parental choice program under s.
19 118.60 or 119.23.

20 ^(B) ~~(1)~~ ⁽²⁾ The department shall establish a comprehensive school and school district
21 accountability system beginning in the ~~2012-13~~ ²⁰¹⁴⁻¹⁵ school year that includes all of the
22 following components:

23 (a) Multiple measures to determine a school's performance or a school district's
24 improvement status under s. 118.42, including all of the following:

25 1. Pupil achievement ~~and growth~~ in reading and mathematics.

2. Growth in pupil achievement in reading and mathematics ^{circled}
English language proficiency, disability,
income levels, and ethnicity ^{circled}
_{race or}

categorized by a

209

3-17

(B)

(A)

BILL

3. Measures of college and career readiness for high school pupils and measures indicative of being on track for college and career readiness in the elementary grades.

4. Gaps in pupil ^{academic} achievement and rates of graduation, categorized by race, English language proficiency, disability, and income level.

(b) An index system to identify a school's level of performance and annually place each school into one of ^{the following} performance categories based on data derived from multiple school years. ~~The department shall~~ collect and disseminate the best practices from the schools placed in the highest performance category. For schools placed in the lowest performance category, the department shall identify opportunities to provide support and shall intervene as provided in pars. (d) to (f). As part of that intervention, the department shall establish performance improvement benchmarks, which shall reflect the annual improvement necessary to remove the school from the lowest performance category within 3 years. Performance improvement benchmarks shall be as uniform as reasonably possible for all schools other than those serving predominantly children at risk, as defined in s. 118.153 (1) (a).

(c) The production of annual school and school district reports that are timely, useful, and understandable. Each school and school district shall display prominently on the school's and school district's Internet sites the reports produced by the department under this section and make copies available upon request in the school's office.

(d) If the department determines that a public school other than a charter school is in the lowest performance category, the department shall do all of the following:

4-4

10A

BILL

1 1. Direct a department–approved, on–site, diagnostic review of the school to
2 determine the cause of the school’s poor performance.

3 2. Direct the school board to implement department–approved improvement
4 activities, based on the diagnostic review, within 3 school years or close the school.

5 3. If the school board chooses to implement department–approved
6 improvement activities under subd. 2. but after 3 school years remains in the lowest
7 performance category, direct the activities of the school in a manner consistent with
8 s. 118.42.

9 4. If the diagnostic review under subd. 1. reveals that the school district has
10 been in need of improvement for 3 consecutive school years, s. 118.42 applies.

11 (e) If the department determines that a charter school is in the lowest
12 performance category, the charter school shall do one of the following:

13 1. After participating in a department–approved, on–site, diagnostic review,
14 implement department–approved improvement activities. After 3 years, if the
15 charter school remains in the lowest performance category, the department shall
16 revoke the school’s charter.

17 2. Enter into a performance agreement with the department in which the
18 charter school agrees to meet annual, department–approved, performance
19 benchmarks. If a benchmark is not met in any year, the department shall revoke the
20 school’s charter.

21 (f) If the department determines that a private school participating in a
22 program under s. 118.60 or 119.23 is in the lowest performance category, the private
23 school shall do one of the following:

24 1. After participating in a department–approved, on–site, diagnostic review
25 paid for by the private school, pay for and implement department–approved

BILL

1 improvement activities. After 3 years, if the private school remains in the lowest
2 performance category, the department shall bar the school from participating in the
3 program under s. 118.60 or 119.23.

4 2. Enter into a performance agreement with the department in which the
5 private school agrees to meet annual, department-approved, performance
6 benchmarks. If a benchmark is not met in any year, the department shall bar the
7 school from participating in the program under s. 118.60 or 119.23.

8 **(1i)** In establishing the accountability system under sub. (1g), the department
9 shall consult with all of the following:

10 (a) The governor.

11 (b) The chairpersons of the committees in the assembly and the senate whose
12 subject matter is elementary and secondary education.

13 (c) The ranking minority members of each of the committees under par. (b).

14 (d) Members of education groups representing school boards, school
15 administrators, and teachers.

16 (e) Members of organizations representing pupils and parents.

17 **(1k)** (a) The department shall annually report to the appropriate standing
18 committees of the legislature under s. 13.172 (3) the performance category to which
19 each school has been assigned.

20 (b) Each school board, the governing body of each charter school under s. 118.40
21 (2r), and the governing body of each private school participating in a program under
22 s. 118.60 or 119.23 shall annually report to the parent of each pupil enrolled in the
23 school or school district the performance category to which the school has been
24 assigned.

25 **SECTION 4.** 115.38 (1s) of the statutes is created to read:

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1 ~~115.38 (1s)~~ The governing body of a private school participating in a parental
2 choice program under s. 118.60 or 119.23 shall provide the state superintendent with
3 any information he or she requests for the purpose of preparing the school
4 performance report under sub. (1m). The state superintendent shall prepare the
5 report for each private school participating in a parental choice program under s.
6 118.60 or 119.23 using only information relating to the pupils who are attending the
7 private school under s. 118.60 or 119.23.

8 **SECTION 5.** ~~115.38 (2)~~ of the statutes is amended to read:

9 ~~115.38 (2)~~ (a) Annually by January 1, each school board shall notify the parent
10 or guardian of each pupil enrolled in the school district of the right to request a school
11 and school district performance report under this subsection. Except as provided in
12 par. (b), annually by May 1, each school board shall, upon request, distribute to the
13 parent or guardian of each pupil enrolled in the school district, including pupils
14 enrolled in charter schools located in the school district, or give to each pupil to bring
15 home to his or her parent or guardian, a school and school district performance report
16 that includes the information specified by the state superintendent under sub. ~~(1)~~
17 (1m). The report shall also include a comparison of the school district's performance
18 under sub. ~~(1)~~ (1m) (a) and (b) with the performance of other school districts in the
19 same athletic conference under sub. ~~(1)~~ (1m) (a) and (b). If the school district
20 maintains an Internet site, the report shall be ~~made available to the public at~~
21 prominently displayed on that site.

22 (b) If a school board enters into an agreement with a federally recognized
23 American Indian tribe or band in this state to establish a charter school, that school
24 board shall, upon request, distribute to the parent or guardian of each pupil enrolled
25 in the charter school a school and school district performance report that includes the

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1 ~~information specified by the state superintendent under sub. (1) (1m), regardless of~~
2 ~~the location of the charter school.~~

3 **SECTION 6.** 118.40 (3) (f) of the statutes is created to read:

4 118.40 (3) (f) No charter school may be established by contract unless the
5 contract authorizes the department to revoke the contract under sub. (5) (b).

6 ~~**SECTION 7.** 118.40 (5) of the statutes is renumbered 118.40 (5) (a).~~

7 **SECTION 8.** 118.40 (5) (b) of the statutes is created to read:

8 118.40 (5) (b) A charter may be revoked by the department under s. 115.38 (1g)
9 (e).

10 **SECTION 9.** 118.42 (1) (intro.) of the statutes is amended to read:

11 118.42 (1) (intro.) If the state superintendent determines that a school district
12 has been in need of improvement for ~~4~~ 3 consecutive school years, the school board
13 shall do all of the following:

14 **SECTION 10.** 118.42 (2) (intro.) of the statutes is amended to read:

15 118.42 (2) (intro.) If the state superintendent determines that a public school
16 was in the lowest performing 5 percent of all public schools in the state in the
17 previous school year prior to the 2012-13 school year, or was in the lowest
18 performance category under s. 115.38 (1g) (b) in the 2012-13 school year or any
19 school year thereafter, and is located in a school district that has been in need of
20 improvement for ~~4~~ 3 consecutive school years, the school board shall do all of the
21 following in the school:

22 **SECTION 11.** 118.42 (3) (a) (intro.) of the statutes is amended to read:

23 118.42 (3) (a) (intro.) If the state superintendent determines that a school
24 district has been in need of improvement for ~~4~~ 3 consecutive school years, the state
25 superintendent may, after consulting with the school board, the school district

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1 superintendent, and representatives of each labor organization representing school
2 district employees, direct the school board to do one or more of the following in the
3 school district:

4 **SECTION 12.** 118.42 (3) (b) (intro.) of the statutes is amended to read:

5 118.42 (3) (b) (intro.) If the state superintendent determines that a public
6 school is located in a school district that has been in need of improvement for 4
7 consecutive school years, prior to the 2012-13 school year or in a school district that
8 has been in need of improvement for 3 consecutive school years beginning in the
9 2012-13 school year; and that the school has been in need of improvement for 5
10 consecutive school years prior to the 2012-13 school year or was among the lowest
11 performing 5 percent of all public schools in the state in the previous school year;
12 prior to the 2012-13 school year, or was in the lowest performance category under
13 s. 115.38 (1g) (b) in the 2012-13 school year or any school year thereafter; the state
14 superintendent may, after consulting with the school board, the school district
15 superintendent, and representatives of each labor organization representing school
16 district employees, direct the school board to do one or more of the following in the
17 school:

18 **SECTION 13.** 118.42 (3m) of the statutes is created to read:

19 118.42 (3m) (a) The department shall report annually to the appropriate
20 standing committees of the legislature under s. 13.172 (3) the improvement status
21 of each school district under this section.

22 (b) Each school board shall annually report to the parent of each pupil enrolled
23 in the school district the improvement status of the school district under this section.

24 **SECTION 14.** 118.42 (4) of the statutes is amended to read:

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1 118.42 (4) The state superintendent shall promulgate rules establishing
2 criteria and procedures for determining whether a school or school district is in need
3 of improvement and whether a school is among the lowest performing 5 percent of
4 all public schools in the state, prior to the 2012-13 school year for the purposes of this
5 section. Beginning in the 2012-13 school year, the state superintendent shall
6 promulgate rules establishing criteria and procedures for determining whether a
7 school district is in need of improvement for purposes of this section.

8 SECTION 15. 119.04 (1) of the statutes, ~~as affected by 2011 Wisconsin Act 85,~~
9 is amended to read:

10 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
11 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
12 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,
13 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
14 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24
15 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.30
16 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125,
17 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38),
18 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and
19 board.

20 SECTION 16. 121.006 (2) (d) of the statutes is amended to read:

21 121.006 (2) (d) Comply with a directive issued by the state superintendent
22 under s. 115.38 (1g) (d) or 118.42 (3) (a) or (b).

23 **SECTION 17. Nonstatutory provisions.**

24 (1) ACCOUNTABILITY SYSTEM. Notwithstanding section 16.42 (1) (e) of the
25 statutes, in submitting information under section 16.42 of the statutes for purposes

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2020/P1dn
PG:cjs:ph

April 8, 2013

Chris,

This is a very preliminary draft. I know there will be many changes, but I wanted to get you something as quickly as possible. Please note the following:

1. The instructions refer to "3 consecutive school years" in most places, but also refer to "3 consecutive ratings." Please let me know which is correct.
2. There is a conflict in the instructions related to interventions in charter schools. Should charter schools under contract with a school board be treated as "public schools" under s. 118.42?
3. How do you want to treat (2r) charter schools that are operated by the authorizer (i.e., not under contract)?
4. Let me know in which fiscal year you want the state to begin paying for the administration of the exams under s. 118.30 to choice pupils. Would all pupils in choice schools be covered, or only those attending under the choice program? Would the costs of scoring the exams as well as administering them be covered? How much money do you want to appropriate? Or would you like a sum sufficient appropriation?
5. As we discussed, the draft does not require a "statewide identification number" for each pupil in a choice school.
6. I did not treat s. 115.38 in this draft. Please let me know how would you like to amend this section.
7. Please see the embedded notes in the draft for additional questions.
8. The instructions used "race," "race/ethnicity," and "race and ethnicity." I used "race or ethnicity" throughout. Okay?

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

Grant, Peter

From: Kulow, Chris
Sent: Tuesday, April 09, 2013 1:54 PM
To: Grant, Peter
Cc: Archibald, Sarah
Subject: SA Draft

Peter,

Thank you for the prelim draft on such quick turnaround. We really appreciate it!

Drafter's Notes:

- ✓1) "performed at the lowest performance level under s. 115.39 for 3 consecutive school years"
- ✓2) No
- ✓3) There are no charter schools operating as such currently and all charters should be required to have a contract. We would like to close that loophole in this bill.
- ✓4) We want DPI to begin data collection next school year 2013-14 so that is when we'd like the tests paid for. Only those attending on a voucher. Include costs for scoring. Sum sufficient.
- ✓5) I am told this will happen automatically by being included in the SIS.
- ⑥) On hold.
- 7) See below
- 8) OK

Embedded Notes:

- ✓1) No
- 2) That is what the agreed upon category names are. I don't think we want to mess with that. The closest would be the expectations of the state supt but people might have a problem with that symbolically. Can we just leave as is?
- ✓3) Leave as written "current and prev"
- ④) 1 We are asking VARC for their opinion on the growth language but for now will leave as is. 2 ✓Yes
- ✓5) Grad. data Ok as written
- ✓6) Test part. ok as written
- 7) Pupil attendance data ok as written.
- 8) OK as is for now
- ✓9) 1 Yes 2 No appeal lang
- ✓10) No
- ✓11) Yes
- ✓12) Yes

Other Changes:

- ✓Pg 2 ✓Ln 15 change 2013-14 back to 2012-13
✓Ln 21 change 2013 to 2012
- ✓Pg 3 Ln 4 change 2014-15 to 2013-14
- ✓Pg 4 Ln 15-16 delete "School of Education"

Christopher Kulow
Office of State Representative Steve Kestell
212 North - State Capitol; 266-8530
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